



General Assembly

***Amendment***

***February Session, 2018***

LCO No. 3946



Offered by:

REP. FLEISCHMANN, 18<sup>th</sup> Dist.  
REP. MCCARTHY VAHEY, 133<sup>rd</sup> Dist.  
REP. SANCHEZ, 25<sup>th</sup> Dist.  
REP. LAVIELLE, 143<sup>rd</sup> Dist.

To: Subst. House Bill No. **5444**

File No. 445

Cal. No. 316

***"AN ACT CONCERNING REVISIONS TO THE STUDENT DATA  
PRIVACY ACT."***

1 Strike lines 52 to 57, inclusive, in their entirety and insert the  
2 following in lieu thereof:

3 "(7) A statement that student information, student records or  
4 student-generated content shall not be retained or available to the  
5 contractor upon [completion] expiration of the [contracted services  
6 unless] contract between the contractor and a local or regional board of  
7 education, except a student, parent or legal guardian of a student  
8 [chooses] may choose to independently establish or maintain an  
9 electronic account with the contractor after the expiration of such  
10 contract for the purpose of storing student-generated content;"

11 Strike lines 90 to 95, inclusive, in their entirety and insert the  
12 following in lieu thereof:

13       "(f) Any contract entered into on and after July 1, 2018, that does not  
14 include (1) a provision required by subsection (a) of this section, or (2)  
15 the terms-of-service agreement addendum described in section 1 of  
16 this act, shall be void, provided the local or regional board of  
17 education has given reasonable notice to the contractor and the  
18 contractor has failed within a reasonable time to amend the contract to  
19 include the provision required by subsection (a) of this section or the  
20 terms-of-service agreement addendum."

21       Strike lines 118 to 136, inclusive, and insert the following in lieu  
22 thereof:

23       "(i) A local or regional board of education shall not be required to  
24 enter into a contract pursuant to this section if the use of an Internet  
25 web site, online service or mobile application operated by a consultant  
26 or an operator is unique and necessary to implement a child's  
27 individualized education program or plan pursuant to Section 504 of  
28 the Rehabilitation Act of 1973, as amended from time to time, and such  
29 Internet web site, online service or mobile application is unable to  
30 comply with the provisions of this section, provided (1) such Internet  
31 web site, online service or mobile application complies with the Family  
32 Educational Rights and Privacy Act of 1974, 20 USC 1232g, as  
33 amended from time to time, and the Health Insurance Portability and  
34 Accountability Act of 1996, P.L. 104-191, as amended from time to  
35 time, (2) such board of education can provide evidence that it has  
36 made a reasonable effort to (A) enter into a contract with such  
37 consultant or operator to use such Internet web site, online service or  
38 mobile application, and (B) find an equivalent Internet web site, online  
39 service or mobile application operated by a consultant or an operator  
40 that complies with the provisions of this section, (3) the consultant or  
41 operator complies with the provisions of section 10-234cc, as amended  
42 by this act, for such use, and (4) the parent or legal guardian of such  
43 child, and in the case of a child with an individualized education  
44 program, the planning and placement team, sign an agreement that  
45 (A) acknowledges such parent or legal guardian is aware that such  
46 Internet web site, online service or mobile application is unable to

47 comply with the provisions of this section, and (B) authorizes the use  
 48 of such Internet web site, online service or mobile application. A local  
 49 or regional board of education shall, upon the request of a parent or  
 50 legal guardian of a child, provide the evidence described in  
 51 subdivision (2) of this subsection to such parent or legal guardian."

52 After the last section, add the following and renumber sections and  
 53 internal references accordingly:

54 "Sec. 501. (NEW) (*Effective July 1, 2018*) For the school year  
 55 commencing July 1, 2018, and each school year thereafter, each local or  
 56 regional board of education shall annually submit a report to the  
 57 Commission for Educational Technology concerning the use of  
 58 Internet web sites, online services or mobile applications without a  
 59 contract pursuant to subsection (i) of section 10-234bb of the general  
 60 statutes, as amended by this act. Such report shall indicate whether or  
 61 not any such Internet web sites, online services or mobile applications  
 62 are being so used, and, if so, a list of all such Internet web sites, online  
 63 services or mobile applications."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2018</i>	New section